

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

Eastern Division

In re:)	
)	Case No. 16-40299-659
JOSHUA MEANS)	
JESSICA MEANS)	
Debtors,)	Chapter 13
)	
WILMINGTON SAVINGS FUND SOCIETY,)	
FSB, DOING BUSINESS AS CHRISTIANA)	DOCKET NO. 36
TRUST, NOT IN ITS INDIVIDUAL CAPACITY)	
BUT SOLELY TRUSTEE FOR BCAT 2014-4TT)	
)	Hearing Date: August 22, 2016
Movant,)	Hearing Time: 10:00 am
v.)	Answer Date: August 15, 2016
JOSHUA MEANS)	
JESSICA MEANS)	
Respondents.)	
)	

CONSENT ORDER AND STIPULATION
IN SETTLEMENT OF MOTION FOR RELIEF

COMES NOW Movant, Wilmington Savings Fund Society, FSB, doing business as Christiana Trust, not in its individual capacity but solely Trustee for BCAT 2014-4TT its subsidiaries, affiliates, predecessors in interest, successors or assigns ("Movant") by and through counsel, Amy Tucker Ryan, Melinda J. Maune, and the law firm of Martin Leigh PC, and Debtors by counsel, Steven Charles Bublitz, the parties agree to the following Consent Order and Stipulation in settlement of the Movant's Motion for Relief:

1. On July 29, 2016 Movant filed its Motion for Relief from the Automatic Stay with respect to the property known as:

LOT 20 OF LYNN MEADOWS PLAT 1, A SUBDIVISION IN ST. LOUIS COUNTY, MISSOURI, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 63 PAGE 19 OF THE ST. LOUIS COUNTY RECORDS.

The above-described property is also known as 735 Northmoor Drive, Florissant, MO 63033 ("Property").

2. The parties agree that the post-petition delinquency including fees and costs is \$2,845.68. Movant is not adequately protected if post-petition payments are not made by the Debtors. Said total sum represents:

- | | | |
|----|--|--------------|
| 1. | 6 mortgage payments (3/16-8/16) @ \$934.24 /each | \$5,605.44 |
| 2. | Movant's attorney fees (\$600.00) and costs (\$176.00) | \$776.00 |
| 3. | Less Suspense balance | (\$535.76) |
| 4. | Less down payment paid at 8/22/16 hearing | (\$3,000.00) |

3. Debtors will make payments as follows:

- | | | |
|----|--------------------|----------|
| 1. | September 15, 2016 | \$474.28 |
| 2. | October 15, 2016 | \$474.28 |
| 3. | November 15, 2016 | \$474.28 |
| 4. | December 15, 2016 | \$474.28 |
| 5. | January 15, 2017 | \$474.28 |
| 6. | February 15, 2017 | \$474.28 |

4. Debtors will begin making the regular monthly payments to Movant on ***September 1, 2016***, and continue making those payments each and every month thereafter pursuant to the terms and conditions of the existing Note and Deed of Trust. ***Payments shall be in the form of a Cashiers Check or Money Order, and mailed to the following address:***

**Shellpoint Mortgage Servicing
PO Box 740039
Cincinnati, OH 45274-0039**

5. Movant's attorney's fees and costs sought in the Motion, or any balance thereon, are included in the total post-petition arrearages stated above and are hereby granted and assessed against the Debtors in the total amount of \$776.00.

6. Debtors authorize Movant to mail to Debtors: (1) monthly mortgage statements; (2) account statements including escrow analysis; and (3) notices regarding address or payment changes provided such a change is authorized by the Note and Deed of Trust. Debtors consents to direct contact by mail for purposes of receiving this information and waives any claim for violation of the automatic stay regarding same.


7. The terms of the Stipulation and the agreement reached between the parties shall remain in effect so long as the automatic stay remains in effect as to Movant. In the event the case is converted to another Chapter under Title 11 and pre-petition and/or post-petition arrearages remain unpaid, Movant shall be granted relief from the automatic stay after providing the notice as set forth in the following paragraphs.

The Court being duly advised in the premises adopts the stipulation as the findings of the Court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED in the event the Debtors fails to comply with any of the conditions specified in this Stipulation and Order, the Movant shall file a written Notice of Breach with the Court, and serve a copy upon the Trustee, counsel for the Debtors, and the Debtors. Such Notice shall include a statement of any alleged Breach, including an itemization of all delinquent payments and the total amount necessary to cure the breach. Movant shall be allowed attorney's fees in the amount of \$50.00 for the preparation of any Notice of Breach under this paragraph and such fees shall be included in the total amount required to cure the delinquency. Movant shall be allowed additional attorney's fees in the amount of \$100.00 for attendance at each hearing related to a Notice of Breach.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that if the Debtors fails to cure the delinquency in full or fails to file an objection to the Notice of Breach within 14 (fourteen) calendar days of the date of the Notice, Movant shall be entitled to immediate relief from the automatic stay of 11 U.S.C. § 362(a) without further notice or hearing upon entry of an order for relief. For such purposes, Movant shall be free to exercise all of its rights and remedies under the Promissory Note, Deed of Trust, or as may otherwise be provided by law. An order entered under this paragraph shall not be stayed until the expiration of 14 days after the entry of the order. All other relief requested by Movant is hereby **DENIED** without prejudice as settled.

SO ORDERED:


KATHY A. SURRATT-STATES
Chief United States Bankruptcy Judge

DATED: August 29, 2016
St. Louis, Missouri
jjh

Respectfully submitted & Agreed to by,

Approved by:

MARTIN LEIGH PC

BUBLITZ LAW OFFICE

S/ MELINDA J. MAUNE

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